



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-430-20, 30 & 40
Regulation Title:	Roanoke River Basin Water Quality Management Plan
Action Title:	Roanoke River Basin WQMP Amendment – Town of Chase City
Date:	July 24, 2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary*

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Water quality management plans identify water quality problems, consider alternative solutions, and recommend control measures needed to attain or maintain water quality standards. The proposed amendment would increase the BOD₅ wasteload allocations in the plan for the Chase City Municipal Sewage Treatment Plant.

Basis*

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Section 62.1-44.15(13) of the Code of Virginia authorizes the State Water Control Board to establish policies and programs for effective area-wide and basin-wide water quality control and management. Section 62.1-44.15(1) authorizes the State Water Control Board to adopt such regulations as it deems necessary to enforce the general water quality management program of the Commonwealth.

In addition, Section 303(e) of the Clean Water Act (33 USC 1251) as implemented by 40 DFR 130 require states to implement water quality management plans.

The Office of the Attorney General has certified that the State Water Control Board has the statutory authority to promulgate the proposed amendments.

Purpose*

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the proposed amendment is to increase the wasteload allocations for the Town of Chase City. The Town requested increased wasteload allocations for their existing facility which discharges to Little Bluestone Creek. The Town's request is based on a 1997 model developed by conducting an intensive stream survey. The increased wasteload allocations would take advantage of higher flows and lower temperatures during winter months.

Substance*

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The proposed amendments would delete the 303(e) wasteload allocation (BOD₅) for Chase City Regional sewage treatment plant in WQMA VII – Clarksville-Chase City-Boydton, from Table 2 – Wasteload Allocations for Significant Discharges for Selected Alternative (9 VAC 25-430-20), and substitute a reference to Table 3; and add to Table 3 – Wasteload Allocations for Discharges with Tiered Permits (9 VAC 25-430-20), as follows:

Water Quality Management Area (WQMA): WQMA VII

Study Area Name: Clarksville-Chase City-Boydton

Discharger – Chase City Regional STP

Months: Dec-Apr; Flow (mgd): 0.60; Effluent D.O. (mg/l): 7.0; cBOD₅ (lbs/day): 125.22; BOD₅ (mg/l); 25.0¹; Ammonia (mg/l): 3.4; TKN (mg/l): 8.8

Months: May-Nov; Flow (mgd) 0.60; Effluent D.O. (mg/l) 6.0; cBOD₅ (lbs/day): 65.04; BOD₅ (mg/l) 13.0¹; Ammonia (mg/l): 1.8; TKN (mg/l): 4.2

NOTES: 1 cBOD₅/BOD₅ = 25/30

Issues*

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

There are no known disadvantages to the public or the Commonwealth. However, there are advantages to the public and the Commonwealth in that the water quality of Little Bluestone Creek can be maintained while giving relief to the Town of Chase City.

Locality Particularly Affected*

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

The only locality affected by the proposed amendments is the Town of Chase City and the impacts on this locality is positive in that it will allow the Town to more effectively manage its limited resources in an effort to protect the health and safety of the citizens of the community and the citizens of the Commonwealth while ensuring maintenance of the beneficial uses of the affected water body.

Public Participation*

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal.

In addition to any other comments, the State Water Control Board is seeking comments on the costs and benefits of the proposal.

Anyone wishing to submit written comments for the public comment file may do at the public hearing, by mail or by email to: jpalmore@deq.state.va.us. Written comments must include the name, address and phone number of the commenter. In order to be considered the comments must be received by the close of the comment period. Oral comments may be submitted at the public hearing.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; (e) the projected cost of the regulation for affected individuals, businesses, or other entities; and (f) an estimate of the impact of the proposed regulation upon small businesses as defined in § 9-199 of the Code of Virginia or organizations in Virginia.

There is no additional cost to the Town or the Commonwealth to implement the proposed amendments.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

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Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The State Water Control considered three alternatives. The first alternative, to amend the plan as proposed was chosen because the proposed amendments would satisfy the intent of the original plan, ensure beneficial uses of the affected water body are maintained and accommodate the request of the permitted discharger.

The other alternatives, deregulate the existing Roanoke River Basin Water Quality Management Plan and maintain the existing wasteload allocations were not chosen because neither option would allow the Town to increase loadings and remain in compliance with its discharge permit.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comments were received during the NOIRA comment period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The proposed regulatory amendments are clearly written and easily understandable by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The Board will initiate a review and evaluation of the regulation within three years of the effective date. The review and evaluation will be based on the following goals of the water quality management plans:

To protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.

To identify areas having water quality problems and propose alternative solutions and recommendations for pollution control measures needed to attain water quality standards.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Board does not anticipate any direct impact on the institution of the family and family stability.